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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,258	11/01/2001	Kram Henry Allen	10013460-1	2458

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[REDACTED] EXAMINER

ZHOU, TING

ART UNIT	PAPER NUMBER
	2173

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/002,258	ALLEN ET AL.	
	Examiner Ting Zhou	Art Unit 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 July 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,2 and 5-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-2 and 5-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. The amendment filed on 16 July 2004 have been received and entered. Claims 3 and 4 have been cancelled by the applicant and claims 1-2 and 5-20 as amended are pending in the application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2 and 5-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Oran et al. U.S. Patent 5,920,316.

Referring to claims 1, 8, 15 and 19, Oran et al. teach a method, system and computer program comprising logic configured to display the one or more of the related sub-items of one of the items in response to at least one of: moving of a cursor over the one of the items and actuating an input button of a mouse input device as the cursor is located over the one of the items (for example, if the user positions the mouse cursor to point at the start menu button and then clicks the mouse button, the related sub-items of the start menu, i.e. “Programs”, “Documents”, “Settings”, etc. are displayed) (column 9, lines 41-54); and actuating a virtual button associated with the one of the items (users can display related sub-items of the start menu, i.e. “Programs”, “Documents”, “Settings”, etc. by selecting the virtual button for the start menu, i.e. button 32 shown in Figure 16A) (column 9, lines 41-54); and determining when the cursor is

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moved over the one of the items; and displaying a first preview window comprising the one or more related sub-items (when a cursor is pointed at one of the cascading, or hierarchically arranged menu items from the start menu, if there are related sub-items, i.e. there is an arrow indicating more related sub-menus, the related sub-menus are displayed) (column 9, line 65 – column 10, line 8). This can further be seen from the examples shown in Figures 16A-C; as can be seen from Figure 16C, when the cursor is positioned over “Programs”, the related sub-items of “Programs”, such as “Accessories”, “Microsoft Applications”, etc. are displayed in a preview window as a cascading menu, represented by reference character 105.

Referring to claims 2 and 10, Oran et al. teach the cursor is manipulated by a mouse (column 6, lines 46-48 and column 10, lines 17-18).

Referring to claims 5, 12, 18 and 20, Oran et al. teach determining when the cursor is moved over one of the related sub-items in the first preview window, and if the one of the related sub-items has one or more related second-level sub-items, displaying a second preview window comprising the one or more related second-level sub-items (displaying cascading menu items; for example, “Accessories”, which is one of the sub-items of “Programs”, contains second-level sub-items, shown by the arrow next to “Accessories”, indicating more cascaded items; when the cursor is positioned over the “Accessories” sub-item, its associated second-level sub-items can be displayed) (column 9, line 65 - column 10, line 8). This is further shown in Figure 16C.

Referring to claims 6 and 13, Oran et al. teaches at least a portion of the second preview window is displayed over at least a portion of the first preview window (as can be seen from Figure 16C, at least a portion of the window displaying the sub-items for “Programs”, containing “Accessories”, “Microsoft Office”, etc. are displayed over the first menu window containing

“Programs”, “Documents”, etc.; therefore, a portion of the window displaying second-level sub-items of “Accessories” can be displayed over the window containing the sub-items “Accessories”, “Microsoft Office”, etc.).

Referring to claims 7 and 14, Oran et al. teaches one or more of the related sub-items has one or more related second-level sub-items, and further comprising the step of displaying a second preview window comprising the one or more related sub-items (displaying cascading menu items; for example, “Accessories”, which is one of the sub-items of the “Programs”, contains second-level sub-items, shown by the arrow next to “Accessories”, indicating more cascaded items; when the cursor is positioned over the “Accessories” sub-item, its associated second-level sub-items can be displayed) (column 9, line 65 - column 10, line 8). This is further shown in Figure 16C.

Referring to claim 9, Oran et al. teach the logic is embodied in an operating system and initiated by the application (column 5, lines 21-30).

Referring to claims 11 and 17, Oran et al. teach each of the items comprises a text object and a button (as shown in Figure 16A, each of the menu items comprise a text object, such as textual descriptions “Start”, “Programs”, “Documents”, etc. and a button, such as the selectable arrow menu buttons shown by reference characters 112, 110, 108, 101, etc.)

Referring to claim 16, Oran et al. teach a cursor manipulation means for manipulating the cursor with respect to the graphical user interface (Figure 16A).

Response to Arguments

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3. Applicant's arguments filed on 16 July 2004 have been fully considered but they are not persuasive.

4. Applicant asserts that Oran et al. does not teach or otherwise disclose the features and limitations of **displaying the one or more of the related sub-items of one of the items in response to at least one of: moving of a cursor over the one of the items and actuating an input button of a mouse input device** as the cursor is located over the one of the items; and **actuating a virtual button associated with the one of the items; and determining when the cursor is moved over the one of the items; and displaying a first preview window comprising the one or more related sub-items.** The examiner respectfully disagrees. As a first note, according to the language of the independent claims, the cited prior art only needs to teach displaying the one or more of the related sub-items of one of the items in response to one of the three choices listed above. However, in order to clarify prosecution, the examiner will show how Oran et al. teach displaying the one or more of the related sub-items of one of the items in response to all three of the choices listed in the limitations of the independent. As recited in column 9, lines 41-54 and shown in Figure 16A, Oran et al. teach displaying the related sub-items of the start menu item, i.e. "Programs", "Documents", "Settings", etc. when the user positions the mouse cursor over the "Start" button and actuates an input button of a mouse input device by clicking the left mouse button. In other words, when the user actuates the virtual start button, button 32 on Figure 16A, the sub-items of the start menu are displayed. Lastly, related sub-items of one of the items can also be displayed in response to determining when the cursor is moved over the one of the items, i.e. when the mouse cursor is positioned to point at the

item "Programs", a preview window (window 105) displaying the related sub-items, i.e. "Accessories", "Microsoft Applications", "Microsoft Office", etc. is shown (column 9, line 65 – column 10, line 8). Therefore, it can be seen that Oran et al. anticipate the subject invention.

5. Furthermore, it can be seen that in the above explanation and the citations referenced in this office action, the examiner has relied only on the hierarchically arranged items of the start menu, specifically, the "Programs" menu.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (571) 272-4058. The examiner can normally be reached on Monday - Friday 8:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached at (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-4058.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

8 November 2004



RAYMOND J. BAYERL
PRIMARY EXAMINER
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